

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION Nos.5002 & 5003 of 2009

COMMON ORDER:

Since the parties are common and the subject-matter in these writ petitions is one and the same, they are heard together and being disposed of by this common order.

These writ petitions are arising out of the reference made by the Land Acquisition Officer-first respondent herein to the civil Court under Sections 30 and 31 of the Land Acquisition Act to decide the dispute between the writ petitioner and the respondents 2 to 6 herein relating to apportionment of compensation for the subject-lands.

The respondents 2 and 3 are the sons of writ petitioner and respondents 3 to 6 are her grand daughters i.e. the daughters of respondent No.2. They divided and got partitioned the lands as per the compromise decree passed in O.S.No.80 of 2004 on the file of Senior Civil Judge, Karimnagar through the Lok Adalath by order dated 1.10.2004, whereby the lands covered by the writ petitions i.e. the land bearing Sy.Nos.190, 191 and 402 was declared as Streedhana properties of the writ petitioner and the respondents 2 and 3 have no right over the said properties. Later, after acquisition of the said lands by the State Government for the purpose of construction of Mid Manair Project, to grab the compensation and to circumvent the compromise decree passed in O.S.No.80 of 2004, the respondents 2 and 3 got filed a suit in O.S.No.28 of 2008 by the respondents 3 to 6 for partition and separation possession of the lands which are subject-matter of acquisition. In the said suit, initially, though the Court restrained the Land Acquisition Officer-first respondent herein in paying the compensation to the writ petitioner, but later dismissed the injunction petition being I.A.No.55 of 2009 by order dated 30.1.2009 holding that the writ petitioner is entitled to receive the compensation.

Now, it is the grievance of the writ petitioner that instead of paying the compensation to the petitioner in terms of compromise decree passed in O.S.No.80 of 2004, the first respondent herein passed the impugned awards referring the matter to the civil Court under Sections 30 and 31 of the Act for apportionment of the

compensation between the petitioner and the unofficial respondents.

Undisputedly, the subject-lands stand in the name of the writ petitioner. In an earlier occasion, with regard to some other lands that were allotted to the petitioner with a condition to enjoy the same without alienating to others, by way of very same notification, the Government acquired the land and in connection with payment of compensation, the matter was referred to the civil Court for apportionment of compensation. Aggrieved thereby, the petitioner approached this Court by W.P.No.3279 of 2008 seeking a direction to the first respondent to pay the compensation in terms of decree passed in O.S.No.80 of 2004. This court by order dated 19.2.2008 directed the civil Court to deposit the compensation amount in a nationalized bank and permitted the petitioner to withdraw the interest accrued thereon as maintenance.

As far as the subject-lands are concerned, admittedly, in view of the compromise entered before the Lok Adalath, Karimnagar, the lands are declared as the Streedhana properties of the writ petitioner and the fact remains that the said order became final. Once it is declared by the competent court that the petitioner is the exclusive owner of the subject-lands, the dispute raised by the unofficial respondents is not valid in law.

Hence, the impugned orders passed by the first respondent are hereby set aside. The petitioner is entitled to receive the compensation as far as the subject-lands are concerned and the compensation amount deposited before the reference Court is directed to be given to the petitioner herein within two months from the date of receipt of a copy of this order.

The writ petitions are disposed of accordingly. There shall be no order as to costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

RAJA ELANGO, J.

Date.23.02.2015

